

REMARKS

This Response to Office Action is submitted in reply to the Office Action of April 20, 2005. Claims 1 to 5, 8 to 20, and 23 to 47 are pending. Claims 1, 5, 9 to 11, 14, 15, 20, 24, 28, 29, 39, 46, and 47 have been amended. These amendments do not add new matter.

A Petition for a One-Month Extension of Time to respond to the Office Action is submitted herewith and a check in the amount of \$120.00 is submitted herewith to cover the cost of the Extension. A Request for Continued Examination is also submitted herewith with a check in the amount of \$790.00 to cover the cost of the RCE. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

Applicants are also submitting herewith a Supplemental Information Disclosure Statement which lists eighteen publications and includes copies of those publications. These same publications were cited in an IDS received by the USPTO on February 7, 2005, as evidenced by the enclosed copy of the USPTO Form 1449 having the USPTO "Office Date" stamp thereon. On that 1449, the Examiner crossed out these eighteen publications and initialed all remaining citations. Presumably, this indicates that the Examiner believes copies of these publications had not been provided. However, the enclosed copy of the return receipt postcard bearing the USPTO "Office Date" stamp of February 7, 2005 indicates that the postcard properly itemized and identified all items submitted therewith. Specifically, the postcard identifies "PTO 1449 on 12 pages" and "References (73)." The USPTO date stamp serves as *prima facie* evidence of receipt in the USPTO of all items listed on the postcard on the date stamped. Thus, Applicants respectfully submit that the USPTO received copies of each of the previously cited publications in the February 7, 2005, submission. Applicants are resubmitting copies of these eighteen references in a Supplemental Information Disclosure Statement. In light of the above, Applicant respectfully submits that there is no fee due in connection with this resubmission.

The Office Action rejected the Claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,358,144 to Kadlic et al. ("Kadlic"). Applicant

respectfully disagrees with this rejection because Kadlic does not disclose, teach, or suggest the invention of these claims. Applicant has amended Claims 1, 5, 9 to 11, 14, 15, 20, 24, 28, 29, 39, 46, and 47 to clarify their elements and to correct for insufficient antecedent basis and not for any reasons related to patentability. It is respectfully submitted that these amendments have not been made for distinguishing over Kadlic.

Amended Claims 1, 20, 35 (and each of their respective dependent claims) are each directed to a method of operating a poker game. Among other elements, each method includes dealing a hand including a first plurality of cards from a deck of cards. The deck includes at least one positive impact card and at least one negative impact card. If the negative impact card is in the hand, the negative impact card cannot be part of any winning combination.

Kadlic discloses a draw poker game having a bonus feature which is triggered if a player receives either a "red" joker card and/or a "black" joker card in a "separate location" of the screen than the draw poker hand. (Kadlic, col. 3, lines 48 to 57). The bonus feature includes serially substituting the joker(s) for each card in the final poker hand. (Kadlic, col. 9, lines 4 to 9). A rank for each poker hand is determined during the serial substitution and the player receives additional payouts for any winning combination resulting therefrom. (Kadlic, col. 14, lines 30 to 41). Kadlic does not discuss any negative impact card or any card which functions as a negative impact card which cannot be part of any winning combination.

Kadlic does not disclose, teach, or suggest a method of operating a poker game including dealing a hand to a player from a deck of cards where the deck includes at least one negative impact card which cannot be part of any winning combination. The Office Action states that Kadlic discloses a method for operating a poker game which comprises "dealing a hand from a deck of cards including fifty-two standard cards, a positive impact card and a negative impact card." (page 2, paragraph 2a). In contrast, if the Kadlic joker appears, it appears on a separate location of the display and its appearance merely signals that a bonus round has been triggered. The Kadlic joker thus functions as a signal that a player may receive additional payouts during the bonus round and does not function as part of the original or final poker hand. The function of

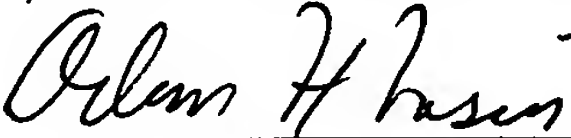
the Kadlic joker is to trigger the bonus round and to sequentially substitute for cards in the final hand during the bonus round. The Kadlic joker can thus be part of a winning combination. Thus, Kadlic does not disclose, teach, or suggest any sort of card which is a negative impact card which cannot be part of a winning combination.

Therefore, for at least these reasons Applicants respectfully submit that all the pending claims are nonobvious and patentably distinct over Kadlic and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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